IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 6022 of 2007()

CRIME NO.445/2007 OF ARANMULA POLICE STATION

: PETITIONERS/ACCUSED 2 TO 4

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1. V.C.VARGHESE, AGED 68,
KARIKKOTT SONU VILLA,
PALACHUVADU, PARUMALA P.O.,
THIRUVALLA.

2. LELAMMA VARGHESE, AGED 58,
KARIKKOTT SONU VILLA,
PALACHUVADU, PARUMALA POST,
THIRUVALLA.

3. RACHEL VARGHESE, AGED 19,
KARIKKOTT SONU VILLA,
PALACHUVADU, PARUMALA POST,
THIRUVALLA.

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6022 of 2007

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Dated this the 4th day of October, 2007

ORDER

Application for anticipatory bail. The petitioners are the father-in-law, mother-in-law and sister- in-law of the de facto complainant. Crime has been registered under Sections 498A and 406 IPC on the basis of the private complaint filed before the learned Magistrate and referred by the learned Magistrate to the Police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage took place on 03.07.06. The 1st accused is the husband. He is employed abroad. The learned counsel for the petitioners submits that there is some strain in the matrimony. The learned counsel for the petitioners submits that fanciful and false allegations have been raised merely because of the strain in the matrimonial tie. It is prayed that the petitioners may be spared of the undeserved trauma of arrest and detention.

3. The learned Public Prosecutor does not raise objections against grant for anticipatory bail. I reckon that the stand taken by the learned Public Prosecutor is fair and reasonable.

4. I am satisfied that anticipatory bail can, in these

circumstances, be granted. In coming to the conclusion, I take note of the fact that the arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair. Appropriate conditions can of course be imposed in the interests of a fair, efficient and proper investigation.

5. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the Learned Magistrate having jurisdiction at 11 a.m on 10.10.2007.

ii) They shall be enlarged on regular bail on their executing a bond for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m. and 3 p.m on 11.10.07 and 12.10.07 and thereafter they shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays, for a period of one month and thereafter as and when directed by the Investigating Officer, in writing to do so.

iv) If the petitioners do not surrender before the learned

Magistrate as directed in clause (i), all directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law.

v) if the petitioners were arrested prior to their surrender on 10.10.07 to the learned Magistrate as directed in clause (i) above, they shall be released forthwith on their executing a bond of Rs.25,000/-(Rupees Twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate on 10.10.07 as directed in clause(i) above.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE